



## Senate

General Assembly

**File No. 240**

February Session, 2010

Substitute Senate Bill No. 152

*Senate, April 1, 2010*

The Committee on Human Services reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING CHANGES TO THE GENERAL STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-98a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2010*):

3 [(a)] The Department of Children and Families, in consultation with  
4 the Departments of Social Services, Mental Health and Addiction  
5 Services and Developmental Services, shall establish, within available  
6 appropriations, a kinship navigator program. Such program shall  
7 ensure that: (1) When the Department of Children and Families  
8 determines that it is in the best interest of the child to be placed with a  
9 relative for foster care, the department informs the relative regarding  
10 procedures to become licensed as a foster parent, and (2) grandparents  
11 and other relatives caring for a minor child are provided with  
12 information on the array of state services and benefits for which they  
13 may be eligible, including the subsidy program established pursuant  
14 to section 17a-126, as amended by this act. The Commissioner of

15 Children and Families shall, within available appropriations, ensure  
16 that information on the array of services available under the kinship  
17 navigator program is accessible through the 2-1-1 Infoline program.

18 [(b) Not later than January 1, 2008, and annually thereafter, the  
19 Commissioner of Children and Families shall report, in accordance  
20 with section 11-4a, on the implementation of the kinship navigator  
21 program to the joint standing committee of the General Assembly  
22 having cognizance of matters relating to human services.]

23 Sec. 2. Section 17a-6b of the general statutes is repealed and the  
24 following is substituted in lieu thereof (*Effective July 1, 2010*):

25 (a) The advisory group for the Connecticut Juvenile Training School,  
26 established pursuant to subsection (b) of section 17a-6, [and the  
27 Connecticut Juvenile Training School public safety committee,  
28 established pursuant to section 17a-27f,] shall provide an on-going  
29 review of the Connecticut Juvenile Training School with  
30 recommendations for improvement or enhancement. The review shall  
31 include, but not be limited to:

32 (1) The number, age, ethnicity and race of the residents placed at the  
33 training school, including the court locations that sentenced them, the  
34 number sentenced from each court location and the offenses for which  
35 they were sentenced;

36 (2) The percentage of residents in need of substance abuse treatment  
37 and the programming interventions provided to assist residents;

38 (3) A review of the program and policies of the facility;

39 (4) The educational and literacy programs available to the residents,  
40 including the educational level of residents, the number of residents  
41 requiring special education and related services, including school  
42 attendance requirements, the number of residents who are educated in  
43 the alternative school and the reasons for such education;

44 (5) The vocational training programs available to the residents and

45 the actual number of residents enrolled in each training program,  
46 including all vocational attendance requirements;

47 (6) The delinquency recidivism rates of such residents, which shall  
48 include the number of children discharged to residential placement,  
49 the number of children discharged due to expiration of the period of  
50 commitment and the number of children returned to the Connecticut  
51 Juvenile Training School;

52 (7) The diagnosis of each resident after intake assessment;

53 (8) The costs associated with the operation of the training school,  
54 including staffing costs and average cost per resident; [and]

55 (9) Reintegration strategies and plans to transition the residents to  
56 their home communities; and

57 (10) A review of safety and security issues that affect the host  
58 municipality.

59 (b) The Department of Children and Families shall serve as  
60 administrative staff of the advisory group referred to in subsection (a)  
61 of this section.

62 (c) Not later than February 4, 2004, and annually thereafter, the  
63 Commissioner of Children and Families shall report, in accordance  
64 with the provisions of section 11-4a, to the joint standing committees of  
65 the General Assembly having cognizance of matters relating to the  
66 judiciary and human services and to the select committee of the  
67 General Assembly having cognizance of matters relating to children  
68 with respect to the Connecticut Juvenile Training School.

69 (d) Each report required pursuant to subsection (c) of this section  
70 shall summarize the information and recommendations specified in  
71 subsection (a) of this section and shall also include such other  
72 information that the Department of Children and Families has  
73 identified as requiring immediate legislative action.

74       Sec. 3. Section 17a-101h of the general statutes is repealed and the  
75 following is substituted in lieu thereof (*Effective July 1, 2010*):

76       Notwithstanding any provision of the general statutes to the  
77 contrary, any person authorized to conduct an investigation of abuse  
78 or neglect shall coordinate investigatory activities in order to minimize  
79 the number of interviews of any child and share information with  
80 other persons authorized to conduct an investigation of child abuse or  
81 neglect, as appropriate. The commissioner shall obtain the consent of  
82 parents or guardians or other persons responsible for the care of the  
83 child to any interview with a child, except that such consent shall not  
84 be required when the department has reason to believe such parent or  
85 guardian or other person responsible for the care of the child or  
86 member of the child's household is the perpetrator of the alleged abuse  
87 or neglect. If consent is not required to conduct the interview, such  
88 interview shall be conducted in the presence of a disinterested adult  
89 unless immediate access to the child is necessary to protect the child  
90 from imminent risk of physical harm and a disinterested adult is not  
91 available after reasonable search.

92       Sec. 4. Section 17a-126 of the 2010 supplement to the general statutes  
93 is repealed and the following is substituted in lieu thereof (*Effective July*  
94 *1, 2010*):

95       (a) As used in this section, (1) "relative caregiver" means a person  
96 who is caring for a child related to such person because the parent of  
97 the child has died or become otherwise unable to care for the child for  
98 reasons that make reunification with the parent and adoption not  
99 viable options within the foreseeable future, and (2) "commissioner"  
100 means the Commissioner of Children and Families.

101       (b) The commissioner, shall establish a program of subsidized  
102 guardianship for the benefit of children in foster care who have been  
103 living with relative caregivers, who are licensed foster care providers  
104 pursuant to section 17a-114, and who have been in foster care [or  
105 certified relative care] for not less than six consecutive months. A  
106 relative caregiver may request a guardianship subsidy from the

107 commissioner.

108 (c) If a relative caregiver who is receiving a guardianship subsidy  
109 for a related child is also caring for the child's sibling who is not  
110 related to the caregiver, the commissioner shall provide a  
111 guardianship subsidy to such relative caregiver [if the sibling has been  
112 in foster care for not less than eighteen months, and the commissioner  
113 shall, within available appropriations, provide a guardianship subsidy  
114 to such relative caregiver] in accordance with regulations adopted by  
115 the commissioner pursuant to subsection (e) of this section. For  
116 purposes of this subsection, "child's sibling" includes a stepbrother,  
117 stepsister, a half-brother or a half-sister.

118 (d) The commissioner shall provide the following subsidies under  
119 the subsidized guardianship program in accordance with this section  
120 and the regulations adopted pursuant to subsection (e) of this section:  
121 (1) A special-need subsidy, which shall be a lump sum payment for  
122 one-time expenses resulting from the assumption of care of the child  
123 and shall not exceed two thousand dollars; (2) a medical subsidy  
124 comparable to the medical subsidy to children in the subsidized  
125 adoption program if the child lacks private health insurance. The  
126 subsidized guardianship program shall also provide a monthly  
127 subsidy on behalf of the child payable to the relative caregiver that is  
128 based on the circumstances of the relative caregiver and the needs of  
129 the child and shall not exceed the foster care maintenance payment  
130 that would have been paid on behalf of the child if the child had  
131 remained in licensed foster care.

132 (e) The commissioner shall adopt regulations, in accordance with  
133 chapter 54, implementing the subsidized guardianship program  
134 established under this section. Such regulations shall include all  
135 federal requirements necessary to maximize federal reimbursement  
136 available to the state, including, but not limited to, (1) eligibility for the  
137 program, (2) the maximum age at which a child is no longer eligible for  
138 a guardianship subsidy, including the maximum age, for purposes of  
139 claiming federal reimbursement under Title IV-E of the Social Security

140 Act, at which a child is no longer eligible for a guardianship subsidy,  
141 and (3) a procedure for determining the types and amounts of the  
142 subsidies.

143 (f) At a minimum, the guardianship subsidy provided under this  
144 section shall continue until the child reaches the age of eighteen or the  
145 age of twenty-one if such child is in full time attendance at a secondary  
146 school, technical school or college or is in a state accredited job training  
147 program. Annually, the subsidized guardian shall submit to the  
148 commissioner a sworn statement that the child is still living with and  
149 receiving support from the guardian. The parent of any child receiving  
150 assistance through the subsidized guardianship program shall remain  
151 liable for the support of the child as required by the general statutes.

152 (g) A guardianship subsidy shall not be included in the calculation  
153 of household income in determining eligibility for benefits of the  
154 relative caregiver of the subsidized child or other persons living within  
155 the household of the relative caregiver.

156 (h) Payments for guardianship subsidies shall be made from  
157 moneys available from any source to the commissioner for child  
158 welfare purposes. The commissioner shall develop and implement a  
159 plan that: (1) Maximizes use of the subsidized guardianship program  
160 to decrease the number of children in the legal custody of the  
161 commissioner and to reduce the number of children who would  
162 otherwise be placed into nonrelative foster care when there is a family  
163 member willing to provide care; (2) maximizes federal reimbursement  
164 for the costs of the subsidized guardianship program, provided  
165 whatever federal maximization method is employed shall not result in  
166 the relative caregiver of a child being subject to work requirements as a  
167 condition of receipt of benefits for the child or the benefits restricted in  
168 time or scope other than as specified in subsection (c) of this section;  
169 and (3) ensures necessary transfers of funds between agencies and  
170 interagency coordination in program implementation. The  
171 commissioner shall seek all federal waivers and reimbursement as are  
172 necessary and appropriate to implement this plan.

173 (i) In the case of the death, severe disability or serious illness of a  
174 relative caregiver who is receiving a guardianship subsidy, the  
175 commissioner may transfer the guardianship subsidy to a new relative  
176 caregiver who meets the Department of Children and Families foster  
177 care safety requirements and is appointed as legal guardian by a court  
178 of competent jurisdiction.

179 (j) Nothing in this section shall prohibit the commissioner from  
180 continuing to pay guardianship subsidies to those relative caregivers  
181 who entered into written subsidy agreements with the Department of  
182 Children and Families prior to October 5, 2009.

183 Sec. 5. Section 45a-709 of the general statutes is repealed and the  
184 following is substituted in lieu thereof (*Effective July 1, 2010*):

185 (a) Notwithstanding any provision of sections [17a-91,] 17a-112, 17a-  
186 113, 17a-148, 45a-187, 45a-606, 45a-607, 45a-706 to 45a-708, inclusive,  
187 45a-715 to 45a-718, inclusive, 45a-724, 45a-727, 45a-732 to 45a-734,  
188 inclusive, and 52-231a, to the contrary, any adoption completed after  
189 October 1, 1973, in which the application and agreement of adoption  
190 were received by the Court of Probate before October 1, 1973, shall be  
191 valid, provided the adoption would have been valid under the general  
192 statutes in effect on September 30, 1973.

193 (b) Applications for termination of parental rights, appointment of  
194 statutory parents or for adoptions or any actions taken in accordance  
195 with the applications which were received by the Court of Probate  
196 prior to May 10, 1974, shall be valid if they conform to the provisions  
197 of sections [17a-91,] 17a-112, 17a-148, 45a-606, 45a-706 to 45a-708,  
198 inclusive, 45a-715 to 45a-718, inclusive, 45a-724, 45a-727, 45a-731 to  
199 45a-734, inclusive, and 52-231a in effect on May 9, 1974.

200 Sec. 6. Sections 17a-22m, 17a-27f and 17a-91 of the general statutes  
201 are repealed. (*Effective July 1, 2010*)

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>July 1, 2010</i>	17a-98a
Sec. 2	<i>July 1, 2010</i>	17a-6b
Sec. 3	<i>July 1, 2010</i>	17a-101h
Sec. 4	<i>July 1, 2010</i>	17a-126
Sec. 5	<i>July 1, 2010</i>	45a-709
Sec. 6	<i>July 1, 2010</i>	Repealer section

**Statement of Legislative Commissioners:**

The title was changed to remove the word "technical".

**KID**      *Joint Favorable C/R*      HS

**HS**      *Joint Favorable Subst.-LCO*



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 11 \$</b>	<b>FY 12 \$</b>
Children & Families, Dept.	GF - Precludes Federal Revenue Loss	\$0.6 million	\$1.2 million

Note: GF=General Fund

#### **Municipal Impact:** None

#### **Explanation**

The bill ensures the state's ability to claim federal Title IV-E reimbursements against subsidized guardianship program expenditures by making technical changes that bring statute into conformance with federal regulations.<sup>1</sup>

It also repeals the Connecticut Juvenile Training School (CJTS) Public Safety Committee, which will lead to a workload reduction for representatives of the Middletown School Board, as they will no longer have to participate in meetings. Amending the duties of the CJTS Advisory Board does not result in a fiscal impact.

Finally, no fiscal impact will ensue from repealing various Department of Children and Families' reporting mandates.

#### **The Out Years**

#### **State Impact:**

<sup>1</sup> Section 69 of PA 09-5 SSS brought Connecticut's law concerning the subsidized guardianship program into conformance with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. The state will claim federal Title IV-E reimbursement for costs associated with newly enrolled eligible children. FY 10 revenues of \$0.6 million are anticipated (\$1.2 million in FY 11, increasing over time to a maximum of approximately \$4 million annually).

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 13 \$</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Children & Families, Dept.	GF – Precludes Federal Revenue Loss	\$1.8 million	\$2.4 million	\$3.0 million

Note: GF=General Fund

***Municipal Impact:*** None

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**OLR Bill Analysis****sSB 152*****AN ACT CONCERNING CHANGES TO THE GENERAL STATUTES  
CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY:**

This bill permits Department of Children and Families' workers to interview children suspected of being abused or neglected, rather than only abused, without first obtaining a parent's permission. The existing exception for parents suspected of being the perpetrators of the abuse is extended to situations in which the parent is suspected of being the perpetrator of the neglect.

The bill eliminates obsolete references and makes minor changes. It also removes several duplicative reporting requirements that have been taken over by subcontractors or other entities.

EFFECTIVE DATE: July 1, 2010

**BACKGROUND*****Abuse and Neglect***

By law, "abused" means that a child or youth (1) has been inflicted with physical injury or injuries other than by accidental means; (2) has injuries that are at variance with their history; or (3) is in a condition that is the result of maltreatment, including malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment, or cruel punishment (CGS § 46b-120(3)).

"Neglected" means that a child or youth (1) has been abandoned; (2) is being denied proper care and attention physically, educationally, emotionally, or morally; (3) is being permitted to live under conditions, circumstances, or associations contrary to his or her wellbeing; or (4)

has been abused (CGS § 46b-120 (8)).

**COMMITTEE ACTION**

Select Committee on Children

Joint Favorable Change of Reference

Yea 11 Nay 1 (03/09/2010)

Human Services Committee

Joint Favorable

Yea 19 Nay 0 (03/18/2010)